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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,933	10/04/2000	Robert P. Martin	10004763-1	7262

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EXAMINER

NOBAHAR, ABDULHAKIM

ART UNIT PAPER NUMBER

2132

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/678,933

Applicant(s)

MARTIN ET AL.

Examiner

Abdulkhakim Nobahar

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-21 is/are allowed.
- 6) ☒ Claim(s) 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>05/02/05</u> | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

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The appellant brief is persuasive and the rejections of claims 1-22 are withdrawn. However, a discovery of new prior art has necessitated new ground of rejections. The new ground of rejections follows below. The delay in <sup>presentation</sup> ~~presentation~~ of new grounds of rejections is regrettable.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**Claim 22 is rejected under 35 U.S.C. 102(e) as being anticipated by Nessett et al (5,968,176; hereinafter Nessett).**

Regarding claim 22, Nessellet discloses a system for providing security in a network that includes nodes operating in multiple protocol layers and having security functions (col. 3, lines 20-23) and security policies are applied to the communication between a source set including one or more end stations (corresponding to the recited client computers) in the network and a destination set including one or more end stations (corresponding to the recited computer resources within an application service provider) (col. 5, lines 7-11). Nessellet further discloses three remote access configurations that clients are allowed to access securely resources on the network of a provider (col. 15, lines 22-46). Nessellet discloses that the users are authenticated and authorized before being allowed to access resources (corresponding to the recited connecting each client to a portion of resources. Because authorization of a client means that a client is permitted to receive specific services or access certain resources based on the clients rights and privileges) (col. 15, lines 40-55). Nessellet also discloses that the communications within the network (i.e., client access to resources) are private, secured and protected by implementing tunneling or IPSEC to create a virtual private network (VPN), (corresponding to the recited isolating portion of ...resources from another portion. Because when clients are connected to different resources on the network of a provider by way of VPNs, their connections are isolated from each other as well as the resources they are accessing) (col. 15, lines 6-20; col. 16, lines 21-30).

***Allowable Subject Matter***

- 1- Claims 1-21 are allowed.

2- The following is an examiner's statement of reasons for allowance:

The primary reasons for the allowance of the independent claim 29 are the inclusion of the following limitation that is not found in the prior art and they are uniquely distinct features. The closest prior arts are McNeill et al (6,167,052), Ahmed et al (5,432,785) and Nessett et al (5,968,176). McNeil discloses methods and systems for establishing network connectivity by creating virtual LANs within a domain. Ahmed discloses a broadband VPN system in which customers are connecting to a switching system through at least one VPN connection. Nessett discloses a system for providing security in a network that includes nodes operating in multiple protocol layers and security policies are applied to the communication between the end point stations. These three arts, singularly or in combination, fail to anticipate or render the following limitation:

"Claim 1: associating at least one of said computer resources in said shared computer system with each of said plurality of virtual local area networks, whereby a domain for each of said plurality of client computers is extended to include said computer resources in said application service provider and said plurality of client computer domains are isolated from each other within said application service provider."

"Claim 16: at least one virtual private network termination device electrically connected to said at least one virtual local area network switch, wherein said at least one virtual local area network switch is configurable to changeably connect a plurality of virtual private network connections in said at least one virtual private network termination device to at least one of said plurality of computer resources while isolating said plurality of virtual private network connections from one another."

3. The dependent claims 2-15 and 17-21 are allowed because they were originally found to include a unique feature not found in the closest abovementioned art.

### ***Conclusion***

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdulhakim Nobahar whose telephone number is 571-272-3808. The examiner can normally be reached on M-T 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

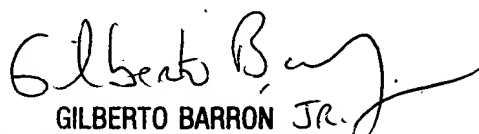
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdulahkim Nobahar  
Examiner  
Art Unit 2132



September 7, 2005



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